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10 **UNITED STATES BANKRUPTCY COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12

13 In re:
14 John Albert Haggett
15 Debtor

16 Case No. 12-33230 DM Ch. 13

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18 **OBJECTION TO CONFIRMATION OF**
19 **PLAN [& Certificate of Service]**

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21 Hearing Date: 1/16/13 Time: 01:30 PM
22 Judge: Dennis Montali
23 Place: Courtroom 22 - 235 Pine Street
24 San Francisco, CA 94104

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26 Bernadette R. Haggett, a Domestic Support Creditor, hereby objects to the confirmation
27 of the debtor's Chapter 13 Plan. This objection shall remain, unless withdrawn by filed
withdrawing, to any subsequent plan amendments that may be filed in this matter. This
objection is based upon the following:

1. The plan fails to comply with 11 USC § 1322(a)(2) in that the plan does not provide for
the full payment of all claims entitled to priority under Section 507 of the Bankruptcy Code.
Objector is a domestic support creditor holding a claim for unpaid pre-petition and post-
petition domestic support obligations.

2. The Plan, under Paragraph 6.A), which is checked "*I*) *None*," arguably fails to
provide for objecting creditor as a post petition domestic support obligation and thereby
attempts to impermissibly reclassify objecting creditor as a non-priority general unsecured
creditor. Objecting creditor holds a post petition claim to domestic support.

3. The Plan is not proposed in Good Faith as required by 11 USC § 1325(a)(3) in that said
Plan attempts to impermissibly modify the rights of a domestic support priority creditor and to
deny said creditor her right to her pre-petition priority claims.

4. The Plan appears not to comply with 11 USC § 1325(a)(4) in that the Plan fails to
provide for the value that might be afforded under a Chapter 7 liquidation. The debtor fails to

1 state what the value of his pension assets are by responding to Question Number 12 under
2 Schedule B that the value of this asset is zero dollars. The objecting creditor requests that
3 debtor provide objector with a true copy of the most recent statement on this account or
4 accounts, and that debtor amend his schedules to disclose the accurate amount as of the filing
5 date. Objector is entitled to receive a percentage of this asset with the amount as yet to be
determined by the family law court.

6 5. The Plan as proposed may not be confirmed as the Plan fails to comply with 11 USC §
7 1325(a)(8) in that debtor has failed to pay all post-petition domestic support obligations that
8 have become due since the date of relief.

9 6. The Plan appears to fail to provide all of the debtor's projected disposable income as
10 required by 11 USC § 1325(b) in that objector believes and thereon alleges that debtor has
failed to provide accurate data as to his overtime income.

11 WHEREFORE, for the reasons stated above, objecting creditor requests that the Plan
12 not be confirmed as proposed.

13 RESPECTFULLY SUBMITTED,

14 /s/ Leon Jon Bonney

15 Leon Jon Bonney

Attorney at Law SBN: 109010

Dated: December 26, 2012

CERTIFICATE OF SERVICE

I, Leon Jon Bonney, hereby certify that I am an active member of the State Bar of California, Member Number 109010, and I am not a party to the within action. My business address is 825 Van Ness Avenue, Suite 304 San Francisco, CA 94109-7837.

On December 26, 2012, a true and accurate photo-copy of the following named document(s) was/were served by one or more of the methods checked below. As to those parties that have consented to service via ECF/ECM (PACER) "Electronic Mail Notice List" those parties are served exclusively, *unless otherwise noted*, via ECF/ECM (PACER) "Electronic Mail Notice List" as identified below.

• OBJECTION TO CONFIRMATION OF PLAN [& Certificate of Service]

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed on December 26, 2012, in San Francisco, California.

/s/ Leon Jon Bonney

By: Leon Jon Bonney SBN 109010